

# **Regulatory Tracking Summary**

## 2 May 2008

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <a href="http://www.rracpc.org">http://www.rracpc.org</a>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Lead, Sharon Scroggins/MSFC at 256-544-7932 (sharon.scroggins@nasa.gov).

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## **Acronyms**

AAM = Alabama Administrative Monthly

ADEM = Alabama Department of Environmental Management

ANPRM = Advance Notice of Proposed Rulemaking

AOC = Areas of Concern ARB = Air Resources Board

AST = Aboveground storage tank

ATCM = Airborne Toxic Control Measure

ATSDR = Agency for Toxic Substances and Disease Registry

BCDC = Bay Conservation and Development Commission

CAA = Clean Air Act

CAAWG = Clean Air Act Working Group

CAIR = Clean Air Interstate Rule

CAS = Chemical Abstract Service

CCR = California Code of Regulations

CFR = Code of Federal Regulations

CO<sub>2</sub> = Carbon dioxide

CRNR = California Regulatory Notice Register

DOE = U.S. Department of Energy

EGBE = Ethylene glycol mono-butyl ether

EPA = U.S. Environmental Protection Agency

FAW = Florida Administrative Weekly

FDEP = Florida Department of Environmental Protection

FIP = Federal Implementation Plan

FR = Federal Register

GHG = Greenhouse gases

GRC = Great Lakes Communities

GSE = Ground support equipment

HAP = Hazardous air pollutant

HCFC = Hydrochlorofluorocarbon

HHS = Department of Health and Human Services

HNEI = Hawaii Natural Energy Institute

HTML = HyperText Markup Language

IRIS = Integrated Risk Information System

JCARR = Joint Committee on Agency Rule Review

 $\mu$ g/m<sup>3</sup> = micrograms per cubic meter

MSFC = Marshall Space Flight Center

NAAQS = National Ambient Air Quality Standards

NASA = National Aeronautics and Space Administration

NESHAP = National Emission Standards for Hazardous Air Pollutants

NPDES = National Pollutant Discharge Elimination System

NPRM = Notice of Proposed Rulemaking

NRC = Nuclear Regulatory Commission

NSPS = New Source Performance Standards

NSR = New Source Review

OAC = Ohio Administrative Code

ODS = Ozone depleting substance

OEPA = Ohio Environmental Protection Agency

OSHA = Occupational Safety and Health Administration

PFAC = Perfluoroalkyl carboxylate

PFAS = Perfluoroalkyl sulfonate

PM = Particulate matter

PSD = Prevention of significant deterioration

PTIO = Permit to install and operate

RIN = Regulatory Identification Number

RRAC PC = Principal Center for Regulatory Risk Analysis

and Communication

SIP = State implementation plan

SJV = San Joquin Valley

SJVAB = San Joquin Valley Air Basin

SNUR = Significant New Use Rule

 $SO_2$  = Sulfur dioxide

TAC = Texas Administrative Code

TBD = To be determined

TCEQ = Texas Council on Environmental Quality

TexReg = Texas Register

TMDL = Total maximum daily load

U.S. = United States

UST = Underground storage tank

Va.R. = Virginia Register

VAC = Virginia Administrative Code

VOC = Volatile organic compound

# 1.0 U.S. Federal Regulatory Review

## 1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed50708-1	CAA Ambient Air Monitoring–PM2.5 Equivalent Method	04/25/2008	73 FR 22362	Notice	Office of Research and Development; Ambient Air Monitoring Reference and Equivalent Methods: Correction to Description of Equivalent Method MetOne Instruments, Inc.'s, Beta Attentuation Mass Monitor	
	<u> </u>				Corrects the description of equivalent method for measuring ambient air concentrations of PM2.5.	
Fed50708-2	CAA NESHAP	04/23/2008	73 FR 21825	Direct Final Rule	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) [40 CFR Part 63]	
	Organic Liquids Distribution				Direct final action on the NESHAP for organic liquids distribution (non-gasoline). Clarifies combustion control device compliance requirements, certain storage tank control compliance dates, and vapor balance system monitoring requirements. Also corrects typographical errors. Effective 07/22/2008 unless adverse comment received by 06/09/2008 [RIN 2060-AO99].	
Fed50708-3	CAA ODS	05/02/2008	73 FR 24282	Notice	Protection of Stratospheric Ozone: Request for Critical Use Exemption Applications for the Years 2010 and 2011	
	Methyl Bromide				Solicits applications for the critical use exemption from the phaseout of methyl bromide for 2011 and beyond. Applications due 07/31/2008.	
Fed50708-4	Climate Change	hange 04/23/2008	73 FR 21912	Notice	National Oceanic and Atmospheric Administration	
					U.S. Climate Change Science Program Synthesis and Assessment Product Draft Report 5.2, "Best Practice Approaches for Characterizing, Communicating, and Incorporating Scientific Uncertainty in Decisionmaking"	
					Announces public comment period for the draft report titled, U.S. Climate Change Science Program Synthesis and Assessment Product 5.2, "Best practice approaches for characterizing, communicating, and incorporating scientific uncertainty in decisionmaking." Comments due 06/08/2008 [RIN 0648-XH05].	
Fed50708-5	Climate Change	04/30/2008	73 FR	Notice	National Oceanic and Atmospheric Administration	
			23427		U.S. Climate Change Science Program Synthesis and Assessment Product Draft Report 3.4, "Abrupt Climate Change"	
					Announces public comment period for the draft report titled, U.S. Climate Change Science Program Synthesis and Assessment Product 3.4, "Abrupt Climate Change." Comments due 06/16/2008 [RIN 0648-XH50].	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed50708-6	Hazardous Material Transport Fuel Cell Cartridges	04/30/2008	73 FR 23362	Final Rule	Pipeline and Hazardous Materials Safety Administration Hazardous Materials: Fuel Cell Cartridges and Systems Transported on Board Passenger Aircraft in Carry-On Baggage [49 CFR Parts 171, 173, and 175]	
					Amends the hazardous materials regulations to permit certain fuel cell cartridges and fuel cell systems designed for portable electronic devices to be transported by passengers and crew in carry-on baggage on board passenger-carrying aircraft. Rescribes regulations for transporting fuel cells containing flammable liquids including methanol; formic acid; certain borohydride materials; or butane that meet certain performance and consumer use standards. Effective 10/01/2008. Voluntary compliance authorized 05/30/2008 [RIN 2137-AE19].	
Fed50708-7	Hazardous Substances	04/21/2008	73 FR 21249	Final Rule	Revocation of Significant New Use Rules on Certain Chemical Substances [40 CFR Part 721]	
	Significant New Use Rules				Revokes significant new use rules for the following four substances.  Benzenesulfonic acid, 2,2'-[(1E)-1,2-ethenediyl] bis[5-[[4-(methylamino)-6-[[4-[(methylamino)carbonyl-phenyl]amino]-1,3,5-triazin-2-yl]amino]-,disodium salt. CAS number: 180850-95-7  Substituted amino alkyl triazinyl benzenesulfonic acid derivative (generic) Acrylated (long-chainalkyl) glycidal ether (generic) Phenol, 2,2'-[6-(2,4-dibutoxyphenyl)-1,3,5-triazine-2,4-diyl]bis[5-butoxy CAS number: 208343-47-9. Effective 06/20/2008 [RIN 2070-AB27].	
Fed50708-8	IRIS	04/25/2008	73 FR 22366	Notice	Announcement of Availability of Literature Searches for IRIS Assessments  Announces the availability of literature searches for three IRIS assessments that may be started in 2008:  Manganese (CAS No. 7439-9)  1,2,4-Trimethylbenzene (CAS No. 95-63-6)  1,3,5-Trimethylhenzene (CAS No. 108-67-8)  Requests scientific information regarding health effects that may result from exposure to these chemical substances.	
Fed50708-9	IRIS 2-Hexanone	04/23/2008	73 FR 21941	Notice	Draft Toxicological Review of 2-Hexanone: In Support of the Summary Information in the IRIS  Announces an external peer-review meeting to review the external review draft document titled, "Toxicological Review of 2-Hexanone: In Support of Summary Information on the IRIS." Meeting to be held 05/22/2008 in Arlington, Virginia.	
Fed50708-10	IRIS Ethylene Glycol Mono-Butyl Ether	04/25/2008	73 FR 22372	Notice	Draft Toxicological Review of "Toxicological Review of Ethylene Glycol mono-Butyl Ether (EGBE): In Support of Summary Information on the Integrated Risk Information System (IRIS)"  Announces a public comment period for the external review draft document entitled, "Toxicological Review of Ethylene Glycol mono-Butyl Ether (EGBE): In Support of Summary Information on the Integrated Risk Information System (IRIS)." Comments due 06/24/2008.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
Fed50708-11	IRIS Propionaldehyde	05/02/2008	73 FR 24281	Notice	Draft Toxicological Review of Propionaldehyde: In Support of Summary Information on the IRIS  Announces an external peer-review meeting via teleconference to review the external review draft document titled, "Toxicological Review of Propionaldehyde: In Support of Summary Information on the Integrated Risk Information System (IRIS)." Meeting scheduled 05/29/2008.	
Fed50708-12	OSHA Confined Spaces in Construction	04/21/2008	73 FR 21292	Notice	Occupational Safety and Health Administration Confined Spaces in Construction [29 CFR Part 1926] Announces an informal public hearing to receive testimony and documentary evidence regarding the proposed rule for Confined Spaces in Construction. Hearing scheduled to begin 07/22/2008 in Washington, D.C. If necessary, the hearing will continue on 07/23/2008 and 07/24/2008 [RIN 1218-AB47].	
Fed50708-13	TSCA Lead Renovation, Repair, and Painting	04/22/2008	73 FR 21691	Final Rule	Lead; Renovation, Repair, and Painting Program  [40 CFR Part 745]  Issues final rule to address lead-based paint hazards created by renovation, repair, and painting activities that disturb lead-based paint in target housing and child-occupied facilities. Establishes requirements for the following:  Training renovators, renovation workers, and dust sampling technicians  Certifying renovators, dust sampling technicians, and renovation firms  Accrediting providers of renovation and dust sampling technician training  Renovation work practices  Record-keeping  Effective 06/23/2008 [RIN 2070-AC83].	
Fed50708-14	TSCA Lead Renovation, Repair, and Painting	04/22/2008	73 FR 21769	Notice	Lead Hazard Information Pamphlet; Notice of Availability [40 CFR Part 745]  Announces the availability of a new lead hazard information pamphlet for renovation activities, Renovate Right: Lead Hazard Information for Families, Child Care Providers and Schools. Includes information about lead-based paint hazards, lead testing, how to select a contractor, what precautions to take during the renovation, and proper cleanup activities. After 06/23/2008, the new pamphlet may be used for compliance with the Pre-Renovation Education Rule under TSCA Section 406(b). The new pamphlet must be used after 12/22/2008.	
Fed50708-15	TSCA Section 21 Petition Hevea Brasiliensis Natural Rubber Latex Adhesives	04/25/2008	73 FR 22368	Notice	Hevea brasiliensis Natural Rubber Latex Adhesives; TSCA Section 21 Petition; Notice of Receipt  Announces receipt of a petition under TSCA Section 21 "to establish regulations prohibiting the use and distribution in commerce of Hevea brasiliensis natural rubber latex adhesives having a total protein content greater than 200 micrograms per dry weight of latex." Requests comments on issues raised by the petition. Comments due 05/12/2008. EPA will respond to the petition by 06/03/2008.	

## 1.2 Status of Continuing Actions in Progress

This section provides the status of selected actions the RRAC PC currently is tracking for possible program-related impacts. Questions about any of these actions or suggestions for additions to this list should be directed to Sharon Scroggins/MSFC.

	Significant Dates Sitalic = tentative		Subject Action [RIN]	Type of Action	Comments
NPRM	05/2008		NESHAP:	Pre-rule	Possible impact to Ground Operations.
Final Action	05/2009		Defense Land Systems and Miscellaneous Equipment [2060-AM84]		Will cover surface cleaning, preparation, coating, and stripping operations on non-flight hardware at some NASA facilities. Could affect launch pads and GSE.
ANPRM	03/29/2007	72 FR	NESHAP: Risk	Pre-rule	Possible space vehicle operational or materials impacts.
NPRM	11/2007	<u>14734</u>	and Technology Review, Phase II		Evaluation of residual risk remaining after the implementation of numerous
Final Action	11/2008		[2060–AN85]		NESHAPs, including those regulating the Aerospace and Chrome Electroplating source categories. This rulemaking represents a relatively low risk of EPA imposing limits on HAP and VOC levels contained in coatings, cleaning solvents, and other materials used on flight hardware. Potential further restrictions on the chrome electroplating or other source categories also could affect vendor facilities.
NPRM	07/16/2007	<u>72 FR</u>	National VOC	Final Rule	Possible space vehicle materials impacts.
Final Action	03/24/2008	38951 73 FR 15603	Rule for Aerosol Coatings [2060-AN69]		The rule would impose limits on VOC content for aerosol coatings. The limits would apply to coating manufacturers, and could be a driver for formulation changes to reduce VOC content.
Amendment Direct Final Rule	s 03/24/2008	73 FR 15421			iornulation changes to reduce VOC content.
Final Amendment	TBD s		-		
NPRM	01/03/2007	72 FR	NESHAP General	Proposed	Possible impacts to facilities, including space flight support facilities.
Final Action	12/2007	<u>69</u>	Provisions–Once In, Always In [2060-AM75]	Rule	Could have an effect on how NESHAPs affect certain NASA Centers and vendor facilities.
NPRM	05/2008		HCFC Labeling	Pre-rule	Administrative requirement for certain space vehicle materials.
Final Action	05/2009		[2060-AO68]		Would require containers of materials containing HCFCs to bear warning statements.
NPRM	04/03/2008	73 FR 18333	Area Sources: Metal Fabrication	Proposed Rule	Possible space vehicle materials or supply chain impacts.
Comments Due	05/05/2008	10000	and Finishing [2060-AO27]	TOIL	Proposes emission standards, primarily in the form of management practices and equipment standards for area sources of metal fabrication or finishing metal HAPs defined to be compounds of cadmium, chromium, lead,
Final Action	06/2008				manganese, and nickel; or a source of volatile organic HAP from spray painting operations; which performs metal fabrication or finishing operations in one of the following nine source categories:  Electrical and Electronic Equipment Finishing Operations  Fabricated Metal Products  Fabricated Plate Work (Boiler Shops)  Fabricated Structural Metal Manufacturing  Heating Equipment, except Electric  Industrial Machinery and Equipment: Finishing Operations  Iron and Steel Forging  Primary Metal Products Manufacturing  Valves and Pipe Fittings  Targeted operations include dry abrasive blasting, machining, dry grinding and dry polishing with machines, spray painting and other spray coating, and welding operations.

	gnificant Dates alic = tentative		Subject Action [RIN]	Type of Action	Comments
NPRM	03/14/2008	73 FR	Area Sources:	Proposed	Possible space vehicle materials or supply chain impacts.
Final Action	06/2008	<u>14125</u>	Plating and Polishing [2060-AM37]	Rule	Proposes air emissions reduction requirements for area sources of HAPs in the plating and polishing industry. Does not cover chromium electroplating or chromium anodizing; does cover chromium conversion coating operations at area sources.
NPRM	03/07/2006	71 FR	SNUR:	Proposed	Possible space vehicle materials impacts.
Final Action	04/2008	<u>11483</u>	Perfluorinated Polymers [2070-AD58]	Rule	Rule could limit new U.S. production of any new materials or significant uses of perfluorinated polymers including those containing PFASs; PFACs; fluorotelomers; or perfluoroalkyl moieties that are covalently bound to a carbon or a sulfur atom where the carbon or sulfur atom is an integral part of the polymer molecule.
ANPRM	TBD		Regulation of	Pre-Rule	Potential for program impacts unknown at this time.
NPRM	TBD		Greenhouse Gases under the		Will solicit input regarding the regulation of CO2 and other GHGs using
Final Action	TBD		CAA [2060-AP12]		existing regulatory options under the CAA.
NPRM	TBD		Control	Pre-Rule	Possible space vehicle materials or supply chain impacts.
Final Action	TBD		Techniques Guidelines for Coating Operations [2060-AP01]		Guidelines for states to use in establishing VOC limits for certain kinds of coatings, including those intended for miscellaneous metal parts and plastic parts. Could affect material formulations.
NPRM	TBD		National VOC	Pre-Rule	Possible space vehicle materials or supply chain impacts.
Final Action	TBD		Rule for Industrial Adhesives and Sealants		Will establish VOC limits for certain types of adhesives and sealants; could affect material formulations.

#### 1.3 Significant News and Other Developments

#### 1.3.1 EPA to Propose Stronger National Ambient Air Quality Standards for Lead

EPA has posted the proposed rule for stronger NAAQS primary and secondary standards for lead on its <u>website</u>. The CAA requires EPA to set NAAQS for pollutants that cause adverse effects to public health and the environment. EPA is proposing revisions to the primary and secondary NAAQS for lead. In the revised primary standard, EPA has proposed reducing the existing standard of  $1.5~\mu g/m^3$  of air to a level within the range of  $0.10~to~0.30~\mu g/m^3$ . The agency is taking comments on alternative levels within a range from less than  $0.10~to~0.50~\mu g/m^3$ . After the proposed rule is published in the FR, EPA will accept public comments for 60 days. EPA will hold two public hearings on 12 June 2008, one in St. Louis and one in Baltimore.

#### 1.3.2 Canada Proposes to Reduce VOC Emissions from Consumer and Commercial Products

On 26 April 2008, Canada issued three proposals to reduce VOC emissions from consumer and commercial products such as paints, varnishes, and adhesives. The following actions were taken:

- Establishing VOC limits for 49 categories of architectural coatings such as paints, stains and varnishes under the proposed <u>Volatile Organic Compound (VOC) Concentration Limits for</u> <u>Architectural Coatings Regulations;</u>
- Establishing concentration limits for 14 categories of coatings and surface cleaners used for refinishing or repairing the painted surfaces of worn or damaged automobiles, trucks, and

other mobile equipment under the proposed *Volatile Organic Compound (VOC) Concentration Limits for Automotive Refinishing Products Regulations*; and

 Establishing VOC limits for 98 categories of consumer products, including adhesives and adhesive removers, sealants and caulking under the proposed <u>Volatile Organic Compound</u> (<u>VOC</u>) <u>Concentration Limits for Certain Products Regulations</u>.

These proposed rules could affect the formulations of materials supplied by Canadian manufacturers. Additional information is available on **Environment Canada's website**.

#### 1.4 Clean Air Act Working Group Updates

#### 1.4.1 Clean Air Act Working Group Telecons for 2008

The CAAWG will hold telecons on the following Wednesdays in 2008 at 2 p.m. ET, 1 p.m. CT, 12 p.m. MT, and 11 a.m. PT:

- 21 May
- 18 June
- 16 July

- 20 August
- 19 November

# 2.0 State Regulatory Reviews

The following sections provide details of the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

## 2.1 Alabama State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Alabama.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL50708-1	Air CAIR/FIP	04/28/2008	73 FR 22818	Final Rule	Withdrawal of Federal Implementation Plans for the Clean Air Interstate Rule in 12 States [40 CFR 52]  EPA is withdrawing FIPs for the CAIR in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana (SO <sub>2</sub> FIP trading program only), Massachusetts, Mississippi, Missouri, and Virginia because these 12 states previously submitted and received EPA approval of full SIPs to meet the CAIR requirements. When EPA issued the CAIR FIPs on 04/28/2006, it stated that it would withdraw the FIPs in a state in coordination with the approval of the CAIR SIPs for that state. Also, when EPA approved the CAIR SIPs for these states, it explained that	
					it would take a separate action to remove the CAIR FIPs for those states. EPA is now acting to formally withdraw the FIPs for 12 states. This action is necessary because EPA's approval of those states' CAIR SIPs corrected the deficiency that provided the basis for EPA's promulgation of the FIPs.	
AL050708-2	Air SIP	05/01/2008	73 FR 23957	Final Rule	Approval and Promulgation of Implementation Plans; Alabama Prevention of Significant Deterioration and Nonattainment New Source Review [40 CFR Part 52]	
					EPA is taking final action to approve revisions to the Alabama SIP submitted by the State of Alabama on 06/06/2006. The SIP revisions modify Alabama's PSD and non-attainment NSR regulations in the SIP to address changes to the federal NSR permitting regulations. Includes provisions for baseline emissions calculations, an actual-to-projected-actual methodology for calculating emissions changes, options for plantwide applicability limits, and record-keeping and reporting requirements. Effective 06/02/2008.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL50708-3	Hazardous Waste  Generator Hazardous Waste Management	04/30/2008	AAM Vol. XXVI, No. 7, p. 269	Final Rule	Final changes to ADEM's Administrative Code amend the following:  335-14-102 Definitions and References 335-14-103 Petitions for Equivalent Testing or Analytical Methods for Delisting 335-14-201 General 335-14-203 Characteristics of Hazardous Waste 335-14-205 Exclusions/Exemptions Chapter 335-14-2 Appendix VIII—Hazardous Constituents Chapter 335-14-2 Appendix IX—Wastes Excluded Under 335-14-303 Pre-transport Requirements 335-14-303 Pre-transport Requirements 335-14-304 Record-keeping and Reporting 335-14-305 Preparedness and Prevention 335-14-509 Use and Management of Containers 335-14-509 Use and Management of Containers 335-14-510 Tank Systems 335-14-510 Special Provisions for Cleanup 335-14-602 General Facility Standards 335-14-603 Preparedness and Prevention 335-14-603 Preparedness and Prevention 335-14-601 Contingency Plan and Emergency Procedures 335-14-602 General Facility Standards 335-14-603 Preparedness and Prevention 335-14-604 Contingency Plan and Emergency Procedures 335-14-605 Preparedness and Prevention 335-14-609 Use and Management of Containers 335-14-609 Use and Management of Containers 335-14-610 Tank Systems	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
AL50708-4	NPDES	04/30/2008	AAM Vol. XXVI, No. 7, p. 268-269	Final Rule	335-ADEM 6-Water Quality Program 6-National Pollutant Discharge Elimination System (NPDES)  Final changes to ADEM's Administrative Code amend the following:  335-6-602 Definitions  335-6-6.14(3) Establishing Limitations, Standards, and Other Permit Conditions—Updating federal regulation references and recognizing TMDLs established pursuant to the Federal Water Pollution Control Act.  335-6-16(a) Schedules of Compliance—Providing permit schedules of compliance in the event of adoption of a new water quality standard or establishment of a TMDL.  335-6-10-07 Toxic Pollutant Criteria Applicable to State Waters  335-6-11 Appendix A  335-6-11-01 The Use Classification System  Amendments include the addition of new definitions, updating federal regulation references, providing permit schedules of compliance, revisions to human health criteria calculations, and clarification of ADEM's process for review and revising assigned use classifications.	

## 2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the <u>CRNR</u> are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA50708-1	Air	05/02/2008	CRNR 2008, 18z, p. 677	Amendment	Air Resources Board	
					Stationary Compression Ignition Engines [17 CCR 93115.4, 93115.6, 93115.10]	
					Changes of an editorial and non-substantive nature.	
CA50708-2	Air	Air 05/02/2008	<u>CRNR</u> 2008, 18z, p. 677	Final Rule	Air Resources Board	
					Formaldehyde Emissions from Composite Wood Products ATCM [17 CCR 39650 through 39675]	
					Adopts an "Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products." Effective 04/18/2008.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA50708-3	Air	04/25/2008	73 FR 22307	Proposed Rule	U.S. Environmental Protection Agency  Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Revision of Designation; Redesignation of the San Joaquin Valley Air Basin PM-10 Nonattainment Area to Attainment; Approval of PM-10 Maintenance Plan for the San Joaquin Valley Air Basin; Approval of Commitments for the East Kern PM-10 Nonattainment Area  Proposes to approve the State of California's request to revise the designation for the SJV serious nonattainment area for particulate matter of 10 microns or less (PM-10) (SJV nonattainment area) by splitting the area into two separate nonattainment areas: The San Joaquin Valley Air Basin serious PM-10 nonattainment area and the East Kern serious PM-10 nonattainment area. EPA also is proposing to redesignate the SJVAB nonattainment area to attainment for the PM-10 NAAQS and proposing to approve the PM-10 maintenance plan, motor vehicle emissions budgets, and conformity trading mechanism for the area. EPA is proposing to approve enforceable commitments by the Kern County Air Pollution Control District and the California Air Resources Board to install a PM-10 monitor in the East Kern nonattainment area and to address CAA requirements under Section 189(d), as necessary, for the area. Comments due 05/27/2008.	
CA50708-4	Air Pesticide VOCs	04/23/2008	73 FR 21885	Proposed Rule	U.S. Environmental Protection Agency Revisions to the California State Implementation Plan; Pesticide Element; Ventura County [40 CFR 52] Proposes to approve a revision of the California SIP submitted by the California ARB on 11/30/2007 totemporarily relax a commitment to reduce emissions of VOCs in Ventura County caused by the application of pesticides. Comments due 05/23/2008.	
CA50708-5	Endangered Species	04/25/2008	CRNR 2008, 17z, p. 633	Notice	Fish and Game Commission  Delisting of Endangered and Rare Plants [14 CCR 670.2]  Proposes to remove Truckee barberry (Mahonia sonnei) from the list of endangered plants, because it is not distinct from creeping barberry (Barberis aquifolium var. repens). Proposes to remove Marin bent grass (Agrostis blasdalei var. marinensis), slender-pod jewelflower (Caulanthus stenocarpus), and Hanging Gardens manzanita (Arctostaphylos edmundsii var. parvifolia) from the list of rare plants because these species cannot be differentiated from the species under which they are now placed: Blasdale's bent grass (Arctostaphylos blasdalei), San Diego jewelflower (Caulanthus stenocarpus var. stenocarpus), and Little Sur manzanita (Arctostaphylos edmundsii), respectively. Comments due 06/24/08.	
CA50708-6	Energy	04/25/2008	CRNR 2008, 17z, p. 648	Notice	California Energy Commission  Electric Transmission Corridor Designation Process [20 CCR 2320-40 and Appendix A]  Prescribes the procedure to designate a high-voltage electrical transmission line corridor. Effective 04/15/08.	
CA50708-7	Water	04/25/2008	CRNR 2008, 17z, p. 635	Notice	San Francisco Bay Conservation and Development Commission  Permit Application Fees [14 CCR Appendix M]  Proposes to change the application fees and the process to periodically revise the fees to come as close as possible to recovering 20 percent of the total cost of operating BCDC's regulatory program. Comments due 6/19/08.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA50708-8	Water	05/02/2008	<u>CRNR</u>	Notice	Office of Environmental Health Hazard Assessment	
	Proposition 65		2008, 18z, pg. 665		Notice of Intent to List Chemicals: Benthiavalicarb- isopropyl, Mepanipyrim, Pirimicarb and Resmethrin [22 CCR 12306]  OEHHA has published additional information regarding the basis for the listing of these chemicals. Comments due 06/02/2008.	

## 2.3 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

		Date		Туре		
Tracking No.	Subject	Published	Ref. Page	Action	Description	Suggested Actions
FL50708-1	Air CAIR and FIP	04/28/2008	73 FR 22818	Final Rule	Withdrawal of Federal Implementation Plans for the Clean Air Interstate Rule in 12 States [40 CFR 52]	
	OAII VAII VIII				EPA is withdrawing FIPs for the CAIR in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana (SO <sub>2</sub> FIP trading program only), Massachusetts, Mississippi, Missouri, and Virginia because these 12 states have previously submitted and received EPA approval of full SIPs to meet the CAIR requirements. When EPA issued the CAIR FIPs on 04/28/2006, it stated that it would withdraw the FIPs in a state in coordination with the approval of the CAIR SIPs for that state. Also, when EPA approved the CAIR SIPs for these states, it explained that it would take a separate action to remove the CAIR FIPs for those states. EPA is now acting to formally withdraw the FIPs for 12 states. This action is necessary because EPA's approval of those states' CAIR SIPs corrected the deficiency that provided the basis for EPA's promulgation of the FIPs.	
FL50708-2	Florida	04/25/2008	FAW Notice	Notice	Chapter 62–Acquisition and Restoration Council	
	Forever		<u>#5503894</u>	Meeting	Announces a public meeting to take public testimony on all Florida Forever land acquisition projects and new proposals as follows. The meeting will take place 05/05/2008 at Brevard City Commission Chambers, Titusville, Florida.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL50708-3	Hazardous Waste	04/18/2008	FAW Notice #5556856, #5556953, #5557050, #5557147, #5557341, #5557341, #5557632, #5557632, #5557729, and #5557923	Final Rule	Chapter 62–FDEP 730–Hazardous Waste  Amendments will incorporate by reference the changes made to the federal hazardous waste regulations between 07/01/2006 and 06/30/2007. FDEP is authorized by EPA to administer the state hazardous waste program in lieu of the federal program. As a result of that authorization, every year FDEP must adopt changes that make state rules equivalent to and consistent with the existing federal regulations, 40 CFR 261. The affected Rules include the following:  62-730.020 Definitions  62-730.021 References, Variances, and Case-by Case Regulations  62-730.160 Standards Applicable to Generators of Hazardous Waste  62-730.170 Standards Applicable to Transporters of Hazardous Waste  62-730.180 Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities  62-730.181 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities  62-730.185 Standards for Universal Waste Management  62-730.185 Standards for Universal Waste Management  62-730.200 Introduction, Scope, and Procedures for Decision Making  62-730.220 Application for Permits and Other Authorizations  Effective 04/25/2008.	

#### 2.4 Hawaii State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Hawaii.

# 2.4.1 Other Information: U.S. Department of Energy Selects Hawaii for Energy Modernization Project

On 21 April 2008, the DOE announced that a Hawaii energy modernization project was selected to be part of the nationwide demonstration to modernize the country's electricity grid system. The DOE plans to invest up to \$7 million over 3 years in a project led by HNEI of the University of Hawaii to increase efficiency in the Hawaii energy infrastructure and the use of renewable energy sources. The Hawaii project will develop and demonstrate a control and energy management distribution system that includes resources such as renewable energy sources, energy storage, responsive loads, and distributed generation. With the deployment of the energy distribution management system, Hawaii will be benefited through improved reliability and power quality. Additional information regarding the Hawaii project is available on the State of Hawaii website.

### 2.5 Louisiana State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Louisiana.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
LA50708-1	Air CAIR	4/28/20	008 <u>73 FI</u> 2281		U.S. Environmental Protection Agency  EPA is withdrawing the FIP for the CAIR in Louisiana (SO <sub>2</sub> FIP trading program only), because of previously submitted and received EPA approval of a full SIP to meet the CAIR requirements.	

### 2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD50708-1	Air	04/28/2008	<u>73 FR</u>	Proposed	U.S. Environmental Protection Agency	
	Air Quality 2289	<u>22896</u>	Rule	Determination of Attainment for the Ozone National Ambient Air Quality Standards for Nonattainment Areas in Delaware, District of Columbia, Maryland, Pennsylvania, and Virginia		
					EPA is proposing to determine that the Metropolitan Washington, DC-MD-VA area (including Prince George's County), designated as a severe 1-hour ozone nonattainment area, has attained the 1-hour ozone NAAQS by the applicable attainment date of 11/15/2005. This proposed determination of attainment is not a redesignation to attainment for the severe areas for which air quality monitoring data indicate attainment of the standard. Comments due by 05/28/08.	

## 2.7 Mississippi State Regulatory Review

This summary includes items that were reviewed for potential impact to NASA Centers and Programs in Mississippi.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MS50708-1	Air CAIR	4/28/2008	73 FR 22818	Final Rule	U.S. Environmental Protection Agency  EPA is withdrawing the FIP for the CAIR in  Mississippi, because of previously submitted and received EPA approval of a full SIP to meet the CAIR requirements.	

## 2.8 New Mexico State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of New Mexico.

### 2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
OH50708-1	Chemical Releases Great Lakes	05/02/2008	73 FR 24290	Request for Comment	Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS)	Plum Brook Station and GRC should consider reviewing the report for
	Counties				Availability of the Draft Report, "Selected Information on Chemical Releases within Great Lakes Counties Containing AOCs (Public Comment Draft 2008)"	accuracy.
					This notice announces the availability of the draft report entitled, "Selected Information on Chemical Releases within Great Lakes Counties Containing AOCs (Public Comment Draft 2008)," which summarizes previously published public health assessment products and chemical release information for the 26 U.S. AOCs and 54 counties that are in close geographic proximity to those AOCs.	
					NASA facilities do not appear to be referenced in this report; however, NASA may want to review the report and verify that the information is correct.	
OH50708-2	Nuclear	04/22/2008	73 FR	Biweekly	Nuclear Regulatory Commission	Plum Brook Station
	Plum Brook Reactor Facility Licenses	21657	21657	Notice	Biweekly Notice; Applications and Amendments to Facility Operating Licenses Involving No Significant Hazards Considerations: National Aeronautics and Space Administration, Docket Nos. 50-30 and 50-185, Plum Brook Reactor Facility, Sandusky, Ohio (TAC NOS. J60622 and J60626) [10 CFR 50.92]	should be aware of the NRC's determination.
					Plum Brook Reactor Facility submitted an application for amendments to facility licenses (TR-3 and R-93) on 02/09/2007, which include revisions to the Technical Specifications and incorporate Final Status Survey Plan (Revision 1). The same Technical Specifications apply equally to both licenses. The NRC has made a proposed determination that the amendment request involves no significant hazards consideration. Effective date: 03/24/2008.	
OH50708-3	Water	05/22/2008	<u>Public</u>	Final Action	Division of Surface Water, OEPA	
	NPDES Permits		<u>Notice</u>		Storm Water Discharge from Small and Large Construction Activities [OAC 3745-1]	
					The following final NPDES general permit has been issued: Storm Water Discharges  Associated with Construction Activity. The full text of the permit can be viewed over the Internet at: http://www.epa.state.oh.us/dsw/storm/index.html. Effective 04/21/2008.	

#### 2.9.1 OEPA Refiles Amended Language to PTIO Program

OEPA has refiled amended the language of rules for the new PTIO program, which will condense two separate permitting processes into one.

The rules originally were pulled from the rulemaking process to address comments received concerning the proposed rule changes. The rules were then refiled with changes on 2 January

2008 and subsequently removed from the JCARR process a second time to allow time for consideration of comments made on the refiled amended language. This is the second refiling for these rules. No changes have been made to the language originally refiled on 2 January 2008. The synopsis and responsive summary to comments are available on OEPA's website and provide details regarding changes made to the proposed rule language prior to 2 January 2008. The refiled rules will become effective at a future date after completion of a review by the JCARR.

### 2.10 Texas State Regulatory Reviews

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register* published in HTML file format. Current and historical versions of the *Texas Register* in HTML and Adobe Acrobat (.pdf) file format can be downloaded from the *Texas Register* section of the *Texas Secretary* of State website.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX50708-1	Radiation	04/25/2008	33 TexReg 3417	Adopted Rule	Health and Human Services Division  Radiation Control [25 TAC §289]  Adopts amendments concerning the following:  Radiation safety requirements for analytical and other industrial radiation machines  Adds a list of industrial radiation machines to specify the industrial radiation machines that are applicable. Adds exemptions for uses of minimal threat radiation machines, uses of certified and certifiable cabinet x-ray systems, and uses of portable/handheld fluorescence x-ray (open beam) devices. Adds equipment requirements for certified and certifiable cabinet x-ray systems and package x-ray systems. Adds personnel requirements to address instructions for bomb detection radiation machines.  General license exemptions and general license acknowledgements  Licensing of radioactive material  Licensing and radiation safety requirements for irradiators  Effective 05/01/2008.	
TX50708-2	USTs and ASTs	05/02/2008	33 Tex Reg 3556	Proposed Rules	Underground and Aboveground Storage Tanks [30 TAC §334]  Proposes amendments to incorporate state statute and federal regulation changes and to update certain technical requirements pertaining to USTs. Changes include such items as the requirement of proof of financial assurance to be included with annual tank self-certifications; the cessation of annual facility fees; secondary containment for UST systems; and extension of the Petroleum Storage Tank Reimbursement Program for 4 years. Would change the definition of "Motor fuel" and the definition of "Petroleum Product" to incorporate alcohol-blended fuels and biodiesel blended with Number 1 and Number 2 diesel. Requests comments on the issue of whether Leaking Petroleum Storage Tank sites should be removed from the requirements of 30 TAC Chapter 350, Texas Risk Reduction Program. Comments due 06/02/2008. Public hearing to be held 05/27/2008 in Austin, Texas.	

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX50708-3	USTs	05/02/2008	33 Tex Reg 3644	Adopted Rules	Financial Assurance for Petroleum Underground Storage Tank Systems [30 TAC §37]  Adopts amendments to rules for petroleum USTs. Amendments include the following:  Clarify and simplify figures containing the required wording for financial assurance mechanisms.  Each amended figure will indicate that the mechanisms cover both corrective action and compensating third parties for bodily injury and property damage caused by accidental releases.  Require that the TCEQ facility identification number be reflected on each financial mechanism for Texas-located facilities.  Change wording requirements for financial tests.  Require that the owner or operator of a tank for which insurance coverage or other financial assurance has terminated empty the tank and dispose any regulated substance at a properly licensed facility within 90 days, with certain exceptions.  Require that owners or operators of USTs must attach to the self-certification form documentation of current financial assurance.  Clarify the circumstances under which an owner or operator is released from financial assurance requirements.  Effective 05/08/2008.	

## 2.10 Utah State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Utah.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
UT50708-1	Hazardous Waste	04/15/2008	73 FR 21843	Withdrawal of	U.S. Environmental Protection Agency	
				Direct Final Rule	Withdrawal of immediate final rule published on 03/07/2008, which authorized revisions to Utah's hazardous waste program.	
UT50708-2 Water Rights 05/0	05/01/2008	<u>UT Bull,</u> <u>Vol. 2008-9,</u>	Notice	Utah Division of Water Rights, Department of Natural Resources		
			DAR File #31130		Announces the completion of the required 5-year review process for R655-5 (Submittal of Maps to the Division), which has been determined necessary for continuation.	

## 2.11 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the <u>Virginia Register</u> (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking No.	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA50708-1	Air Asbestos	04/28/2008	24:17 Va.R 2454	Proposed Rule (Fast	Virginia Board for Asbestos, Lead, and Home Inspectors	
Assessed			Track)	18 VAC 15-20, Virginia Asbestos Licensing Regulations		
					The proposed amendments include a requirement for a licensed project monitor, as well as clarification of the property owner notification requirement. Comments due 06/27/2008.	
VA-2008	Coastal Zone	04/14/2008	<u>Virginia</u>	Notice of	Virginia Coastal Zone Management Program	
	Management		Zone Management Program Public Notice	Availability	The Virginia Coastal and Estuarine Land Conservation Program Plan is available for public comment. Comments due 05/13/2008.	